

May 24, 2019

In response to your media request, please be advised that:

Canadian police will use the tools and legislation available to us to enforce alcohol and drug impaired driving laws. At the roadside, these tools include Approved Screening Devices (ASD), for alcohol, Standardized Field Sobriety Testing (SFST), and approved drug screening equipment (oral fluid screening devices).

While we cannot comment on a specific case, RCMP officers use their training, experience and judgement to identify legitimate inability to provide a breath sample. This is determined by the officer observing the subject attempting to provide a sample. The actual volume and force of breath required for a sample is not significant. Generally speaking, if a person can raise their voice, that is roughly equivalent to the force required to generate a breath sample.

The determination as to whether the subject was 'able and unwilling' or 'legitimately unable' to provide a sample will be up to the investigating officer.

If the investigation proceeds to a point where the investigating officer believes that an offence took place, an officer can demand a breath test into an approved instrument (at the police station), a drug recognition evaluation, or if the circumstances dictate, a blood demand.

Sgt. Marie Damian
RCMP-National Communication Services/
Services nationaux de communication-GRC